

## **40.97. ZONING MAP AMENDMENT**

### **40.97.05. Purpose.**

The purpose of a Zoning Map Amendment application is to provide for the consideration of legislative and quasi-judicial amendments to the zoning map. Legislative amendments to the zoning map are amendments of generally large size, diversity of ownership or of interest to a large geographic area. Quasi-judicial amendments to the zoning map are amendments that are generally small in size, single ownership or affect only a relatively small geographic area. Annexation related amendments to the zoning map are those amendments, whether legislative or quasi-judicial, which are associated with land being annexed into the City. It is recognized that such amendments may be necessary from time to time to reflect changing community conditions, needs, and desires. This Section is carried out by the approval criteria listed herein.

### **40.97.10. Applicability.**

The provisions of this section shall apply to a change of the zoning designation for parcels of land within the City.

### **40.97.15. Application.**

There are four (4) Zoning Map Amendment applications which are as follows: Quasi-Judicial Zoning Map Amendment, Legislative Zoning Map Amendment, Non-Discretionary Annexation Related Zoning Map Amendment and Discretionary Annexation Related Zoning Map Amendment. The Director shall determine if a zone change is quasi-judicial or legislative. For annexation related zone change applications, the Director shall determine if the applications are discretionary or non-discretionary.

#### **1. Quasi-Judicial Zoning Map Amendment.**

- A. Threshold. An application for Quasi-Judicial Zoning Map Amendment shall be required when the following threshold applies:
  - 1. The change of zoning designation for a specific property or limited number of specific properties.

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- B. Procedure Type. The Type 3 procedure, as described in Section 50.45 of this Code, shall apply to an application for Quasi-Judicial Zoning Map Amendment. The decision making authority is the Planning Commission.
- C. Approval Criteria. In order to approve a Quasi-Judicial Zoning Map Amendment application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:
1. The proposal satisfies the threshold requirements for a Quasi-Judicial Zoning Map Amendment application.
  2. All City application fees related to the application under consideration by the decision making authority have been submitted.
  3. The proposal conforms with applicable policies of the City's Comprehensive Plan.
  4. Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.
  5. In addition to the criteria stated in Section 40.97.15.1.C.1 through 4, above, the following criteria shall apply to Quasi-Judicial Zoning Map Amendment which would change the zone designation to the Convenience Service (C-V) zoning district.
    - a. There is a public need for the proposal and that this need will be served by changing the zoning district classification of the property in question as compared with other available property.
    - b. The public interest is best carried out by approving the proposal at this time.

40.97.15.1.C.

6. The proposal shall include a Traffic Impact Analysis that meets the requirements of 60.55.20. The analysis shall demonstrate that development allowed under the proposed zoning can meet the requirements of 60.55.10.1, 60.55.10.2, 60.55.10.3, and 60.55.10.7. The analysis shall identify the traffic impacts from the range of uses allowed under the proposed zoning and demonstrate that these impacts can be reasonably mitigated at the time of development. [ORD 4302; May 2004]
  7. As an alternative to 40.97.15.1.C.6, the applicant may provide evidence that the potential traffic impacts from development under the proposed zoning are no greater than potential impacts from development under existing zoning. [ORD 4302; May 2004]
- D. Submission Requirements. An application for Quasi-Judicial Zoning Map Amendment to the City's zoning map shall be made by the owner of the subject property, or the owner's authorized agent, the City Council, Mayor, or their designee on a form provided by the Director. All Quasi-Judicial Zoning Map Amendment applications shall be filed with the Director and shall be accompanied by the information required by the application form, and by Section 50.25 (Application Completeness), and any other information identified through a Pre-Application Conference.
- E. Appeal of a Decision. Refer to Section 50.70.



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**2. Legislative Zoning Map Amendment.**

- A. Threshold. An application for Legislative Zoning Map Amendment shall be required when the following threshold applies:
1. The change of zoning designation for a large number of properties.
- B. Procedure Type. The Type 4 procedure, as described in Section 50.50 of this Code, shall apply to an application for Legislative Zoning Map Amendment. The decision making authority is the Planning Commission.
- C. Approval Criteria. In order to approve a Legislative Zoning Map Amendment application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:
1. The proposal satisfies the threshold requirements for a Legislative Zoning Map Amendment application.
  2. All City application fees related to the application under consideration by the decision making authority have been submitted.
  3. The proposal conforms with applicable policies of the City's Comprehensive Plan.
  4. Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.
  5. In addition to the criteria stated in Section 40.97.15.2.C.1 through 4, above, the following criteria shall apply to Legislative Zoning Map Amendment which would change the zone designation to the Convenience Service (C-V) zoning district.

40.97.15.2.C.5.

- a. There is a public need for the proposal and that this need will be served by changing the zoning district classification of the property in question as compared with other available property.
- b. The public interest is best carried out by approving the proposal at this time.

- D. Submission Requirements. An application for Legislative Zoning Map Amendment to the City's zoning map may be initiated by the City Council, Mayor, or their designee. All Legislative Zoning Map Amendment applications shall be filed with the Director and shall be accompanied by the information required by the application form, and by Section 50.25 (Application Completeness), and any other information identified through a Pre-Application Conference.
- E. Appeal of a Decision. Refer to Section 50.75.

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**3. Non-Discretionary Annexation Related Zoning Map Amendment.**

- A. Threshold. An application for Annexation Related Zoning Map Amendment shall be required when one or more of the following thresholds apply:
1. The change of zoning to a City zoning designation as a result of annexation of land into the City.
  2. The Urban Planning Area Agreement (UPAA) is specific as to the City zoning designation to be applied to the parcel being annexed and does not allow for discretion.
- B. Procedure Type. The Type 1 procedure, as described in Section 50.35 of this Code, shall apply to an application for Non-Discretionary Annexation Related Zoning Map Amendment to the City's zoning map. The decision making authority is the City Council.
- C. Approval Criteria. In order to approve a Non-Discretionary Annexation Related Zoning Map Amendment application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:
1. The proposal satisfies the threshold requirements for a Non-Discretionary Annexation Related Zoning Map Amendment application.
  2. All City application fees related to the application under consideration by the decision making authority have been submitted.
  3. The proposal contains all applicable application submittal requirements as specified in Section 50.25.1 of the Development Code. [ORD 4265; September 2003]
  4. The proposed zoning designation is consistent with the Washington County - Beaverton UPAA.

40.97.15.3.C.

5. Applications and documents related to the request, which will require further City approval, have been submitted to the City in the proper sequence.

- D. Submission Requirements. An application for a Non-Discretionary Annexation Related Zoning Map Amendment shall be made by the submittal of a valid annexation petition or an executed annexation agreement. [ORD 4265; September 2003]



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**4. Discretionary Annexation Related Zoning Map Amendment.**

- A. Threshold. An application for Discretionary Annexation Related Zoning Map Amendment shall be required when the following threshold applies:
  - 1. The change of zoning to a City zoning designation as a result of annexation of land into the City and the Urban Planning Area Agreement (UPAA) does not specify a particular corresponding City zoning designation and discretion is required to determine the most similar City zoning designation.
- B. Procedure Type. The Type 3 procedure, as described in Section 50.45 of this Code, shall apply to an application for Discretionary Annexation Related Zoning Map Amendment to the City's zoning map. The decision making authority is the Planning Commission.
- C. Approval Criteria. In order to approve a Discretionary Annexation Related Zoning Map Amendment application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:
  - 1. The proposal satisfies the threshold requirements for a Discretionary Annexation Related Zoning Map Amendment application.
  - 2. All City application fees related to the application under consideration by the decision making authority have been submitted.
  - 3. The proposed zoning designation most closely approximates the density, use provisions, and development standards of the Washington County designation which applied to the subject property prior to annexation.
  - 4. The proposed zoning designation is consistent with any guidance contained within the UPAA concerning the application of non-specified zoning district designations.

40.97.15.4.C.

5. Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.

D. Submission Requirements. An application for a Discretionary Annexation Related Zoning Map Amendment shall be made by the submittal of a valid annexation petition or an executed annexation agreement. [ORD 4265; September 2003]

E. Appeal of a Decision. Refer to Se